

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

PARKER PELHAM, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

VBIT TECHNOLOGIES CORP., VBIT
MINING LLC, ADVANCED MINING
GROUP, DANH CONG VO A/K/A DON VO,
PHUONG D VO A/K/A KATIE VO, SEAN
TU, JIN GAO, LILLIAN ZHAO, AND JOHN
DOE INDIVIDUALS 1-10, AND DOE
COMPANIES 1-10,

Defendants.

C.A. No.: 23-cv-162-CFC-SRF

CLASS ACTION

**REPLY IN FURTHER SUPPORT OF CROSS MOTION TO ALLOW
ALTERNATIVE SERVICE**

Dated: December 13, 2023

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Lead Plaintiff Alisha McKellar a/k/a Alisha Lee (“Ms. McKellar” or “Lead Plaintiff”) respectfully submits this Reply in Further Support of Her Cross Motion to Allow Alternate Service.

I. The Court Should allow Alternative Service

A. The RICO Case

Defendant Phuong D Vo (“Ms. Vo”) appeared in the case *Dettmering v. VBit Technologies, Corp., et al.*, Case No. 1:22-cv-01482, (D. Del.) (the “*Dettmering Action*”), represented by the same attorneys as in this case. *Dettmering Action*, D.I. 26. The *Dettmering Action* brings claims under the Racketeer Influenced and Corrupt Organizations Act against substantially similar defendants under the same core of operative facts. Ms. Vo’s co-defendants in the *Dettmering Action* have been successfully served in this instant action. D.I. 18. Ms. Vo’s claim that she was unaware of this instant action is unconvincing. Instead, the facts suggest that Ms. Vo has been dodging service because she is on notice of this case and Lead Plaintiff’s good-faith attempts to serve Ms. Vo multiple times.

B. Ms. McKellar Made Various Attempts at Service

Ms. McKellar attempted to serve Ms. Vo via her counsel on July 27, 2023. D.I. 18, at 13-14; D.I. 20, at 2-3. In an email to Ms. McKellar’s Delaware counsel, Farnan LLP, an attorney from Richards, Layton & Finger, P.A. (“Richards Layton”) stated that the firm was in receipt of the summons, but did not “agree that service (if

any) was effected.” D.I. 20, at 3. That same day, an attorney from The Rosen Law Firm, P.A. (“Rosen Law”) reached out to Richards Layton, asking if they would accept service on behalf of Ms. Vo. D.I. 24-2, ¶7. The next day, on July 28, 2023, Richards Layton stated they were not authorized to accept service on behalf of Ms. Vo. *Id.*, at ¶8.

Additionally, Ms. Vo’s claims regarding Lead Plaintiff’s attempts at service confuse facts yet again. Ms. Vo alleges that Ms. McKellar “failed to take any action since at least July of 2023.” D.I. 25, at 1. This is untrue. As demonstrated in Ms. McKellar’s Cross Motion and Opposition to the Motion to Dismiss and the exhibits attached thereto, D.I. 23-24, Ms. McKellar attempted to serve Ms. Vo on the following dates: September 23, 2023; September 28, 2023; October 3, 2023; October 4, 2023; October 10, 2023.

Ms. Vo claims that Ms. McKellar did not “seek any alternative way to serve Ms. Vo.” D.I. 25, at 2. This is untrue. Ms. McKellar attempted to serve Ms. Vo via her attorneys, who claimed they were not authorized to accept service. Thereafter, Ms. McKellar attempted to serve Ms. Vo at her various known addresses, but was unsuccessful despite at least 5 separate attempts.

II. Conclusion

Ms. Vo’s co-defendants in the *Dettmering* Action were on notice about the lawsuit. Ms. Vo’s lawyers were on notice about the lawsuit. Ms. Vo proved

impossible to serve despite repeated, good-faith attempts by Ms. McKellar. Ms. Vo should not be rewarded with a premature dismissal for dodging service. Lead Plaintiff requests that, in light of her good-faith attempts, the Court grant her cross-motion and allow Ms. Vo to be served via her lawyers.

Dated: December 13, 2023

Respectfully submitted,

FARNAN LLP

/s/ Brian E. Farnan

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